IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 18134 of 2004

Between:

1.B.Ramulugoud, S/o.Somarajugoud,
TCS, NFC, Ashoknagar, Uppal Mandal, RR Dist.
2.B.Yadagirigoud, S/o.Somarajugoud,
TCS, NFC, Ashoknagar, Uppal Mandal, RR Dist.
3.M.Narasimha, S/o.Pentaiah,
TCS, NFC, Ashoknagar, Uppal Mandal, RR Dist.

..... PETITIONERS

AND

1 The Prohibition & Excise Superintendent, at Nampally, Hyderabad.
2 The Toddy Tappers Cooperative Society, Ashok Nagar, rep.by its President

at NFC Ashoknagar, Uppal (M), RR Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or direction preferably writ of mandamus declaring the inaction of the 1st respondent in taking appropriate action on the basis of representations dated 29-9-2004 and 01-10-04 submitted by the petitioners with regard to the affairs of TCS, Ashok Nagar, Uppal Mandal, RR District by convening General Body Meeting etc., as illegal, arbitrary and violative of principles of natural justice and consequently direct the 1st respondent to consider and dispose off the representations of the petitioners and take appropriate action.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent No.1: GP FOR PROHIBITION & EXCISE

Counsel for the Respondent No.2: ---

The Court at the admission stage made the following:

ORDER:

The petitioners, who claim to be the members of Toddy Tappers Cooperative Society, NFC, Ashoknagar, Uppal Mandal, R.R.District, allege that the second respondent, who is the President of the said Society, is not eligible for the membership of the Society. It is also alleged that the second respondent is not conducting the General Body Meetings of the Society, not showing the records and also not distributing the share amount properly to the members of the Society. In the circumstances, it is stated that the petitioners made representations dated 29.09.2004 and 01.10.2004 bringing the said facts to the notice of the first respondent and requesting to take necessary action. The only grievance of the petitioners is that the first respondent failed to take any action so far on the basis of the complaints made by them.

Heard the learned counsel for the petitioners and the learned Government Pleader for Prohibition and Excise appearing for the first respondent.

It is not in dispute that the first respondent is the competent authority to enquire any dispute between the members of a Cooperative Society. In the circumstances, without expressing any opinion on the merits of the case, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to consider the representations dated 29.09.2004 and 01.10.2004 and to pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order after affording due opportunity to all the parties concerned.

Accordingly, the writ petition is disposed of. No costs.

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06.10.2004

Note: Furnish CC in three days

(b/o)

VGB

To

1 The Prohibition & Excise Superintendent, at Nampally, Hyderabad.

2 2CCs to the Government Pleader for Prohibition and Excise, High Court Buildings, Hyderabad (OUT)

3 2CD copies